

FILED
LODGED
ENTERED
RECEIVED

AUG - 2 2013

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re DENDREON CORPORATION CLASS
ACTION LITIGATION

MASTER DOCKET NO. C11-01291JLR

(Consolidated with Nos. C11-1294JLR and
C11-1568JLR)

This Document Relates To:

CLASS ACTION

ALL ACTIONS

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR ATTORNEYS' FEES AND
REIMBURSEMENT OF LITIGATION
EXPENSES

11-CV-01291-PET

[PROPOSED] ORDER GRANTING ATTORNEYS'
FEES AND REIMBURSEMENT OF EXPENSES
MASTER DOCKET NO. C11-01291JLR

BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP
12481 HIGH BLUFF DRIVE, SUITE 300
SAN DIEGO, CALIFORNIA 92130-3582
TELEPHONE: (858) 793-0070
FACSIMILE: (858) 793-0323

1 WHEREAS, Lead Counsel's motion for an award of attorneys' fees and reimbursement of
2 litigation expenses (the "Fee Motion," ECF No. 102)¹ came before the Court for hearing on
3 August 2, 2013, pursuant to the Court's Order Preliminarily Approving Settlement, Certifying
4 Class, and Providing Notice and Scheduling Settlement Hearing dated April 26, 2013
5 ("Preliminary Approval Order," ECF No. 98), and due and adequate notice having been given to
6 the Class as required in the Preliminary Approval Order, and the Court, having read and
7 considered the Fee Motion and supporting declarations and exhibits and being fully informed of
8 the related proceedings, now FINDS, CONCLUDES AND ORDERS as follows:

9 1. This Order incorporates by reference the definitions in the Stipulation of Settlement
10 (the "Stipulation," ECF No. 97), and all capitalized terms used, but not defined herein, shall have
11 the same meanings as in the Stipulation.

12 2. This Court has jurisdiction over the subject matter of the Litigation and over all
13 parties to the Litigation, including all Members of the Class.

14 3. Notice of the Fee Motion was directed to Class Members in a reasonable manner
15 and complies with Rule 23(h)(1) of the Federal Rules of Civil Procedure.

16 4. Class Members and any party from whom payment is sought have been given the
17 opportunity to object to the Fee Motion in compliance with Federal Rule of Civil Procedure
18 23(h)(2).

19 5. The Fee Motion is hereby GRANTED.

20 6. The Court hereby awards attorneys' fees in the amount of \$4,386,646.11, which is
21 11% of the Settlement Fund net of Plaintiffs' Counsel's Court-approved litigation expenses. The
22 Court finds that an award of attorneys' fees of 11% is fair and reasonable in light of the following
23 factors, among others: the contingent nature of the case; the risks of this complex litigation; the
24 quality of the legal services rendered; the benefits obtained for the Class; the institutional Lead
25 Plaintiff's support of the fee and expense application; the fees awarded in similar actions; and the
26

¹ As amended per Liaison Counsel's notice of errata.

1 reaction of the Class. Further, the requested award of attorneys' fees is also supported by a
2 lodestar multiplier cross-check. The fee award is further justified by the risk Plaintiffs' Counsel
3 undertook and the results they achieved for the Class through the quality of their representation of
4 Lead Plaintiff and the Class in this complex Litigation.

5 7. The Court also grants Lead Counsel's request for reimbursement of Plaintiffs'
6 Counsel's litigation expenses in the amount of \$121,399.00. The litigation expenses incurred by
7 Plaintiffs' Counsel have been adequately documented and were reasonably incurred for the benefit
8 of the Class, and the Court finds that reimbursement of those expenses is justified.

9 8. The Court also grants Lead Plaintiff San Mateo County Employees' Retirement
10 Association's request for reimbursement of \$6,511.84 for costs incurred by Lead Plaintiff directly
11 related to its representation of the Class. The Court finds that Lead Plaintiff's contribution to the
12 Litigation and settlement process warrants reimbursement of costs incurred by Lead Plaintiff.

13 9. Interest is awarded on the amounts awarded above in Paragraphs 6, 7, and 8, at the
14 same rate and for the same periods as earned by the Settlement Fund.

15 10. Pursuant to Paragraph 6.2 of the Stipulation, the attorneys' fees and expenses
16 awarded in Paragraphs 6-9 of this Order may be paid to Lead Counsel from the Escrow Account
17 immediately after entry of this Order, notwithstanding the existence of any timely filed objections
18 thereto, or potential for appeal therefrom, or collateral attack on the Settlement or any part thereof,
19 subject to Lead Counsel's obligation to repay all such amounts pursuant to Paragraph 6.3 of the
20 Stipulation.

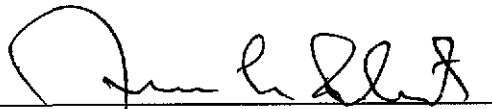
21 11. Pursuant to Paragraph 6.5 of the Stipulation, Lead Counsel shall have the sole
22 authority and responsibility to allocate the Court-awarded attorneys' fees and litigation expenses
23 amongst Plaintiff's Counsel in a manner which Lead Counsel, in good faith, believes reflects the
24 contributions of such counsel to the prosecution and settlement of the Litigation.

25 12. The finality of the Judgment entered with respect to the Settlement shall not be
26 affected in any manner by this Order, or an appeal from this Order.

1 13. There is no just reason for delay in the entry of this order, and immediate entry of
2 this Order by the Clerk of the Court is expressly directed.

3 IT IS SO ORDERED.

4 DATED: August 2, 2013


HONORABLE JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

1 Presented by:

2 BERNSTEIN LITOWITZ BERGER
3 & GROSSMANN LLP

4 s/ Blair A. Nicholas

BLAIR A. NICHOLAS

5 BLAIR A. NICHOLAS

6 NIKI L. MENDOZA

7 DAVID KAPLAN

JONATHAN USLANER

8 12481 High Bluff Drive, Suite 300

San Diego, CA 92130

9 Tel: (858) 793-0070

Fax: (858) 793-0323

10 Email: blairn@blbglaw.com

nikim@blbglaw.com

11 davidk@blbglaw.com

12 jonathanu@blbglaw.com

13 *Lead Counsel for Lead Plaintiff*
14 *and the Class*

15 KELLER ROHRBACK L.L.P.

16 JULIE E. FARRIS, #17593

17 DEREK W. LOESER #24274

18 ELIZABETH A. LELAND, #23433

1201 Third Avenue, Suite 3200

Seattle, WA 98101

19 Tel: (206) 623-1900

20 Fax: (206) 623-3384

Email: jfarris@kellerrohrback.com

21 dloeser@kellerrohrback.com

22 bleland@kellerrohrback.com

23 *Liaison Counsel for the Class*